

In re application of: Robert M. Carmichael
Serial No.: 09/730,116
Page 7

REMARKS

This Amendment is responsive to the Office Action dated January 31, 2003. In that Action, the Examiner rejected claims 1, 2, 7, 8 and 12-20 under 35 U.S.C. §102(b) as being anticipated by Carmichael. Claims 1-3, 5-8, 12-14 and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by Anderson. Claims 1-21 were rejected under 35 U.S.C. §102(f). The Examiner also objected to the Specification. Applicant respectfully traverses the Examiner's rejections and offers the foregoing amendments and following remarks in support thereof.

Claims 1, 14 and 21 have been amended. Claims 1-21 remain pending in the Application. No new matter has been inserted. Applicant respectfully requests reconsideration of the Examiner's rejections.

The specification has been amended to overcome the Examiner's objection.

As to the citation of Carmichael and Anderson, neither of these references teach of the ballast being removed from the receiving pocket upon disconnection of the first section of the side releasable buckle from the second section of the side releasable buckle. For example, disconnecting the side releasable buckle in Carmichael causes the entire weight belt to fall off the user, but does not remove the ballast from the ballast receiving pocket, which is being held by hook and loop fasteners. The side releasable buckle in Carmichael and Anderson has nothing to do with the retaining and releasing of ballast from within a receiving pocket on the dive equipment. Accordingly, Applicant respectfully requests that the citation of Carmichael and Anderson be withdrawn.

In re application of: Robert M. Carmichael
Serial No.: 09/730,116
Page 8

As to the Section 2(f) rejection, Applicant is still awaiting a decision from the Petitions Office. Applicant respectfully notes that all of the limitations in claims 1-21 are not present in the '836 Application. Accordingly, the Examiner's 102(f) rejection should not be made against of the claims in the instant application, regardless of the decision on Applicant's Petition.

Applicant has completely responded to the Office Action dated January 31, 2003. Favorable action is respectfully requested.

If there are any additional charges, including extension of time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,



Daniel S. Polley, Reg. No. 34,902
Malin, Haley & DiMaggio, P.A.
1936 South Andrews Avenue
Fort Lauderdale, Florida 33316
(954) 763-3303

I:\9000\9297\AMEND\6817 (ACB-3rdAmd)

RECEIVED

AUG 13 2003

OFFICE OF PETITIONS